



George W. Bush Presidential Library and Museum

2943 SMU Boulevard, Dallas, TX 75205-2300

May 21, 2019

JPat Brown
DEPT MR 26614
411A Highland Ave.
Somerville, MA 02144

Dear Mr. Brown:

This letter is in further response to your Freedom of Information Act (FOIA) request dated August 13, 2018 for access to George W. Bush Presidential records pertaining to Justice Brett Kavanaugh. FOIA requests for George W. Bush Presidential records are processed and reviewed for access under provisions of the 1978 Presidential Records Act, as amended (PRA) (44 U.S.C. §§ 2201-2209), which incorporates the Freedom of Information Act (5 U.S.C. § 552) in substantial part.

We have completed processing approximately 103,390 electronic files of George W. Bush Presidential records related to emails to, cc, and bcc Justice Kavanaugh. Of this total, 56,855 electronic files have been exempted from release in whole or part in compliance with the restrictions of the PRA and applicable FOIA exemptions, which specify what material may be released to the public. All necessary steps were taken to segregate and release non-exempt information. The 56,855 electronic files restricted from access, in whole or in part, are listed along with the exemption categories below. Some electronic files may be restricted under more than one category. The remaining 49,669 electronic files are available, in whole or in part.

We have also completed processing an additional 80 electronic files of George W. Bush Presidential records related to emails from Justice Kavanaugh. Of this total, 9 electronic files have been exempted from release in whole or part in compliance with the restrictions of the PRA and applicable FOIA exemptions, which specify what material may be released to the public. All necessary steps were taken to segregate and release non-exempt information. The 9 electronic files restricted from access, in whole or in part, are listed along with the exemption categories below. Some electronic files may be restricted under more than one category. The remaining 76 electronic files are available, in whole or in part.

P1/(b)(1) - 6 electronic files
P2 - 5,213 electronic files
P3/(b)(3) - 1,520 electronic files; statutes 10 USC 130b; 50 USC 403; 50 USC 3507; 50 USC 3605; Rule 6(e), General Rules of Criminal Procedure
P4/(b)(4) - 6 electronic files
P5 - 34,384 electronic files
P6/(b)(6) - 18,299 electronic files
(b)(7)(c) - 1,033 electronic files
(b)(7)(e) - 998 electronic files
(b)(7)(f) - 2,045 electronic files
PRM - 11,186

A list of the PRA restrictions and FOIA exemptions, as well as copies of the finding aids that describe the processed material are attached.

At this time, you have the right to file an administrative appeal of any George W. Bush Presidential records responsive to your FOIA request that have been withheld under a restriction category of the PRA, 44 U.S.C. §2204(a), with the exception noted below. The appeal must be submitted in writing to the Director, George W. Bush Library and Museum, 2943 SMU Boulevard, Dallas, TX 75205. You should also include a copy of your original request and our denial. Both your appeal letter and the envelope should be clearly marked "PRA/FOIA Appeal." To be considered timely, your appeal must be postmarked or electronically submitted within 90 calendar days from the date of this letter.

You also have the right to file an administrative appeal of any George W. Bush Presidential records responsive to your FOIA request that have been withheld under an exemption category of the FOIA, 5 U.S.C. §552(b) but have not been withheld under a restriction category of the PRA, 44 U.S.C. §2204(a). By filing an appeal, you give the agency a chance to reconsider your request and the agency's decision. To appeal a FOIA exemption, the appeal must be submitted in writing to the attention of the Deputy Archivist of the United States, c/o the George W. Bush Library and Museum, 2943 SMU Boulevard, Dallas, TX 75205. You should explain why you believe this response does not meet the requirements of the FOIA and you should also include a copy of your original request and our denial. Your appeal letter and envelope should be clearly marked "FOIA Appeal." Your appeal must be postmarked or electronically submitted within 90 calendar days from the date of this letter. The Library will coordinate your appeal with the appropriate authority.

Since these are Presidential records administered in accordance with 44 U.S.C. §§2201-2209, NARA must notify the former and incumbent Presidents prior to the release of any information in response to these appeals. Once an appeal determination is made and the notification period has passed, we will contact you.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison John Laster for assistance at: Presidential Materials Division, National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Room G-7, Washington, DC 20408-0001; email at libraries.foia.liaison@nara.gov; telephone at 202-357-5200; or facsimile at 202-357-5941.

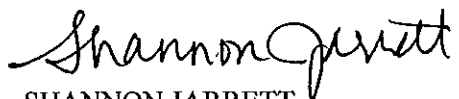
If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Please note that six electronic files responsive to your request have been withheld pursuant to PRA restriction P1 and FOIA exemption (b)(1), (national security classified information). In order to facilitate our ability to more quickly seek a declassification review for those specific documents that are of interest to you, we are no longer referring all classified documents processed in response to your FOIA request to the originating and/or equity agencies for a current classification review. Based on the information provided on our withdrawal sheets, you can request under your existing FOIA or through the mandatory declassification review provisions of Executive Order 13526 a declassification review of those specific documents of interest to you.

The remaining pages are open for research. Due to the high public interest in these requests, responsive records are posted on our website as they become available; accordingly, no fees are required.

If you wish to order copies or need any further assistance, please contact our staff at 214-346-1557 or gwbush.library@nara.gov. Your FOIA case log number is 2018-0268-F. Please have this number accessible for reference during any future contact concerning this case.

Sincerely,

A handwritten signature in black ink that reads "Shannon Jarrett". The signature is written in a cursive style with a large, stylized "S" and "J".

SHANNON JARRETT
Supervisory Archivist
George W. Bush Library and Museum

SJ: MAC